

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAPSTONE LOGISTICS HOLDINGS, INC.,
CAPSTONE LOGISTICS, LLC, and PINNACLE
WORKFORCE LOGISTICS, L.L.C.,

Plaintiffs,

- against -

PEDRO NAVARRETE, DAVID
POFFENBERGER, STEVEN WILLIS, MARIO
ROJAS, and HUMANO, LLC,

Defendants.
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Civil Action No. 17-cv-4819

ORDER

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| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: _____ |
| DATE FILED: <u>5/11/18</u> |

THIS MATTER having been brought before the Court by the letter application of Seyfarth Shaw LLP, attorneys for plaintiffs Capstone Logistics Holdings, Inc., Capstone Logistics, LLC and Pinnacle Workforce Logistics, L.L.C. (collectively, the “Capstone” or the “Plaintiffs”) for an Order to Compel production of the Genesis source-code (Dkt. No. 160); and the Court having considered the papers filed in support of and in opposition to the letter application, and arguments of counsel; and good and sufficient cause having been shown;

IT IS ON THIS 11th day of May 2018

For the reasons stated on the record during the discovery conference held on April 27, 2018, Plaintiffs’ letter-application is GRANTED as follows:

1. Defendants are ordered to produce in native format all versions of Genesis, including, all components and applications used in connection therewith, the underlying source code for each version, and all executables and all databases and/or libraries associated therewith.

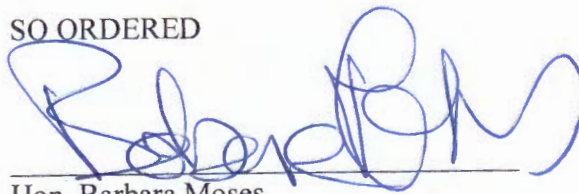
Production shall be made available for Attorneys' Eyes Only pursuant to the Protective Order in this action by May 16, 2018, via an encrypted external hard drive or similar storage device, with costs of production to be borne by Plaintiffs, without prejudice to their right to seek recovery of same at trial. To the extent Defendants cannot make production available by May 16, 2018, Defendants shall write to the Court stating when production can be completed and the reasons therefor.

2. Plaintiffs shall produce in native format all MobilTrak, and all components and applications in connection therewith, the underlying source code for each version, and all executables and all databases and/or libraries associated therewith, via encrypted external hard drive or similar storage device, to be used or relied upon by their experts within one (1) business day from Defendants' production. Production shall be made available for Attorneys' Eyes Only pursuant to the Protective Order in this action.

3. Counsel and expert witnesses for Plaintiffs and Defendants will return the respective hard drives and destroy all copies of the source code, components and applications for MobilTrak and Genesis and certify the same in writing within thirty (30) days following termination of the litigation by settlement or exhaustion of all appeals.

Dated: New York, New York
May 11, 2018

SO ORDERED



Hon. Barbara Moses
United States Magistrate Judge